

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sara Vinarov on August 19, 2009.

On lines 4-5 of claim 1, the phrase "said first end of the container for receiving the sample of whole blood and being sealed;" was changed to --wherein the whole blood is introduced into the container at the first end and the first end is sealed;--.

2. The following is an examiner's statement of reasons for allowance: Application serial no. 10/590,431 is being allowed since the closest prior art to Lee (US 3,761,408) fails to teach of centrifuging the tube containing whole blood to form separate layers of blood cells, a gel layer and a plasma layer, the closest prior art to Carroll et al (US 6,706,536) fails to teach that the centrifuging of the tube produces in relative juxtaposition the first end of the container where the whole blood is initially introduced, the cell layer, the gel layer, the plasma layer and the second end of the container, and the closest prior art to Ericson et al (EP 001, 200) fails to teach of inserting the tube containing after centrifugation the first end of the tube where the whole blood is initially introduced, a cell layer, a gel layer, a plasma layer and the second end of the tube directly into a spectrophotometric device for analysis of the plasma layer; rather, Ericson et al teach of using a needle to withdraw the separated plasma layer from the tube for analysis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Thursday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim, can be reached on 571-272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
Art Unit 1797

mmw

August 20, 2009

/Maureen M. Wallenhorst/

Primary Examiner, Art Unit 1797